

UNITED STATES DISTRICT COURT
Northern District of California

MOHAMMAD DOUD,

Plaintiff,

v.

QYYUM KOCHAI, et al.,

Defendants.

No. C 12-6061 MEJ

**ORDER GRANTING MOTION TO
SET ASIDE DEFAULT**

Re: Docket No. 9

Presently before the Court is Defendant Hadia Merriweather's Motion to Set Aside Default. Dkt. No. 9. Merriweather seeks to have the entry of default set aside, arguing that she does not reside at the address at which Plaintiff Mohammad Doud attempted to complete service of process. In addition, Merriweather requests that the Court grant additional time to respond to the Complaint. The Court finds it appropriate to take the matter under submission without oral argument. *See* Civ. L.R. 7-1(b).

Federal Rule of Civil Procedure ("Rule") 55(c) states in relevant part, "[f]or good cause shown the court may set aside an entry of default." Fed. R. Civ. P. 55(c). A district court has broad discretion to determine whether good cause has been shown. *Mendoza v. Wight Vineyard Mgmt.*, 783 F.2d 941, 945 (9th Cir. 1986). In evaluating a motion to set aside default, any doubt should be resolved in favor of the motion to set aside the default so that cases may be decided on their merits. *O'Connor v. State of Nev.*, 27 F.3d 357, 364 (9th Cir. 1994).

In light of the strong preference for deciding matters on the merits, the Court finds that there is good cause to set aside Merriweather's default that was entered on January 7, 2013. Merriweather has provided her correct address for service and stated that she is prepared to respond to Plaintiff's Complaint. Accordingly, Merriweather shall respond to the Complaint pursuant to Rule 12 of the

1 Federal Rule of Civil Procedure on or before February 7, 2013. If Merriweather fails to serve and file
2 a responsive pleading by February 7, 2013, the Clerk of Court shall immediately re-enter her default.

3 If Defendant has not done so already, she may wish to seek assistance from the Legal Help
4 Center, a free service of the Volunteer Legal Services Program, by calling 415.782.9000 x8657 or
5 signing up for an appointment on the 15th Floor of the Courthouse, Room 2796. At the Legal Help
6 Center, Defendant may speak with an attorney who may be able to provide basic legal help, but not
7 legal representation. The Court also urges Defendant to obtain a copy of the Pro Se Handbook,
8 available free of charge from the Court's website (www.cand.uscourts.gov) or in the Clerk's Office
9 on the 16th Floor, 450 Golden Gate Avenue, San Francisco, CA.

10 **IT IS SO ORDERED.**

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12 Dated: January 17, 2013

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15 Maria-Elena James
16 United States Magistrate Judge
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